

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

September 17, 2020

3:02 PM

Received by

EPA Region VIII

Hearing Clerk

IN THE MATTER OF: )  
 )  
Town of Cokeville ) Docket No. SDWA-08-2020-0047  
 )  
Respondent. ) **ADMINISTRATIVE ORDER**  
 )  
Town of Cokeville Public Water System )  
PWS ID #WY5600015 )

1. This Order is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by section 1414(g) of the Safe Drinking Water Act (Act), 42 U.S.C. § 300g-3(g), as properly delegated to the undersigned official.
2. The Town of Cokeville, Wyoming, (Respondent) is a municipality that owns and/or operates the Town of Cokeville Public Water System (System), which provides piped water to the public in Lincoln County, Wyoming, for human consumption.
3. The System is supplied by a groundwater source accessed via two wells. The water is treated with chlorine gas and then sent to two storage tanks.
4. The System has approximately 184 service connections used by year-round residents and regularly serves an average of approximately 535 year-round residents. Therefore, the System is a “public water system” and a “community water system” as defined in 40 C.F.R. § 141.2 and section 1401 of the Act, 42 U.S.C. § 300f.
5. Respondent is a “person” as defined in section 1401(12) of the Act, 42 U.S.C § 300f(12), and is subject to the Act and 40 C.F.R. part 141 (Part 141). Part 141 is an “applicable requirement” as defined in section 1414(i) of the Act, 42 U.S.C § 300g-3(i).
6. Part 141 includes monitoring requirements. The EPA has sent Respondent annual notifications of the specific monitoring requirements that apply to the System.

**VIOLATIONS**

7. Respondent is required to collect total trihalomethanes (TTHMs) and haloacetic acids (HAA5s) samples in the System’s distribution system during the month of the highest disinfectant byproduct concentrations at the location and on the date identified in the System’s monitoring plan. 40 C.F.R. §§ 141.621 & 141.622(a)(1). Respondent failed to monitor the System’s water for TTHMs and HAA5s during August of 2019, and therefore, violated this requirement.
8. Respondent is required to monitor the System’s water annually for lead and copper. 40 C.F.R. § 141.86(d). Respondent monitored the System’s water for lead and copper on September 28, 2018, and the next sampling was required between June 1, 2019, and September 30, 2019. Respondent failed to monitor the System’s water for lead and copper during that period and therefore, violated this requirement.

9. For each calendar year, Respondent is required, no later than July 1st of the following year, to prepare and distribute a Consumer Confidence Report (CCR) to the EPA and the System's customers. Within three months thereafter, Respondent is required to certify to the EPA that it has distributed the CCR to the System's customers. 40 C.F.R. §§ 141.151-141.155. Respondent failed to prepare and distribute an annual CCR for calendar year 2018 to the System's customers and to the EPA and failed to provide a certification to the EPA for 2018. Therefore, Respondent violated these requirements. The System submitted the CCR for calendar year 2015 on July 29, 2015, and submitted the CCR for calendar year 2017 on December 13, 2018.

10. Respondent is required to complete corrective action of a significant deficiency or comply with an EPA-approved corrective action plan and schedule within 120 calendar days (or earlier if instructed by the EPA) of receiving written notification from the EPA of a significant deficiency. 40 C.F.R. § 141.404(a). Respondent is required to notify the EPA within 30 calendar days of completion of a significant deficiency corrective action. 40 C.F.R. § 141.405(a)(2). Respondent received a sanitary survey report from the EPA on March 5, 2019, which detailed significant deficiencies. The EPA approved a schedule for the System to complete the corrective actions by September 10, 2019. Respondent failed to complete all corrective actions by September 10, 2019, and failed to notify the EPA within 30 calendar days of completion of a significant deficiency corrective action and therefore, violated this requirement. Respondent completed corrective action of the significant deficiency on February 5, 2020.

11. Respondent is required to certify to the EPA that an annual Consumer Confidence Report (CCR) has been distributed to the System's customers, and that the information is correct and consistent with compliance monitoring data previously submitted to the EPA. The certification is due within three months of distributing the CCR. 40 C.F.R. § 141.155. Respondent failed to provide CCR certification for calendar year 2017. Therefore, Respondent violated this requirement. Respondent submitted the CCR certification for calendar year 2015 on July 29, 2015, and submitted the CCR certification for calendar year 2017 on December 13, 2018.

12. Respondent is required to notify the public of certain violations of Part 141 and, within 10 calendar days after completing public notice, provide a copy of the public notice and certification to the EPA. 40 C.F.R. §§ 141.31(d) and 141.201-141.211. The violation identified in paragraph 10, above, is classified as Tier 2 violation, requiring public notice within 30 calendar days, according to 40 C.F.R. § 141.203. Respondent failed to notify the public of the violation cited in paragraph 10 and failed to submit a copy to the EPA and therefore, violated this requirement.

13. Respondent is required to report any failure to comply with any National Primary Drinking Water Regulations Part 141 to the EPA within 48 hours (except where Part 141 specify a different time period). 40 C.F.R. § 141.31(b). Respondent failed to report the violations cited in paragraphs 7 and 9 through 11, above, to the EPA and therefore, violated this requirement.

**ORDER**

Respondent is ordered to perform the following actions upon Respondent's receipt of this Order (unless a different deadline is specified below):

14. Respondent shall monitor the System's water annually for TTHMs and HAA5s at the specific location during the month identified in the System's monitoring plan, as required by 40 C.F.R. §§141.620-141.622. Respondent shall submit the sampling results to the EPA within 10 calendar days following the end of the monitoring period, as specified by 40 C.F.R. § 141.629.
15. Between June 1, 2020, and September 30, 2020, Respondent shall monitor the System's water for lead and copper, and thereafter as directed by the EPA, in accordance with the System's Lead and Copper Rule Tap Sample Site Plan, as required by 40 C.F.R. § 141.86(a)-(d). Within the first 10 calendar days following the end of each monitoring period, Respondent shall report analytical results to the EPA, as required by 40 C.F.R. § 141.90. Within 30 calendar days of receiving monitoring results, Respondent shall deliver a consumer notice of individual tap monitoring results to the persons served at each sampled site, in accordance with 40 C.F.R. 141.85(d). Within 90 calendar days following the end of each monitoring period, Respondent shall submit to the EPA a sample copy of the consumer notification along with a certification that the notification has been distributed, in accordance with 40 C.F.R. 141.90(f)(3).
16. Within 30 calendar days after receipt of this Order, Respondent shall (1) prepare an annual CCR, to include all information required by 40 C.F.R. §§ 141.153 and 154, for the System for calendar year 2018 and distribute the CCR to the System's customers and the EPA and (2) certify to the EPA that the CCR has been distributed to the System's customers and that its information is correct and consistent with monitoring data previously provided to the EPA. Thereafter, Respondent shall prepare and distribute annual CCRs and provide certifications as required by 40 C.F.R. §§ 141.151-141.155.
17. Within 10 calendar days after completing a corrective action of a significant deficiency, Respondent shall notify the EPA of the project's completion. Respondent shall provide sufficient evidence to the EPA including photographs of the corrective actions. Thereafter, if the EPA identifies any significant deficiency at the System, Respondent shall complete corrective action for each significant deficiency and provide notification to the EPA within 30 calendar days of completion, as required by 40 C.F.R. §§ 141.403(a) and 141.405(a)(2).
18. For each calendar year, Respondent shall certify to the EPA that the CCR has been distributed to the System's customers, and that the information is correct and consistent with compliance monitoring data previously submitted to the EPA, as required by 40 C.F.R. § 141.155.
19. Within 30 calendar days after receipt of this Order, Respondent shall notify the public of the violation identified in paragraph 10, above. Templates and instructions are available at: <https://www.epa.gov/region8-waterops/reporting-forms-drinking-water-systems-wyoming-and-tribal-lands-epa-region-8#pn>. Thereafter, following any future violation of Part 141, Respondent shall comply

with any applicable public notice provisions of 40 C.F.R. part 141, subpart Q. Within 10 calendar days after providing public notice, Respondent shall submit a copy of the notice and certification to the EPA. 40 C.F.R. § 141.31(d).

20. Respondent shall report any violation of Part 141 to the EPA within 48 hours of the violation occurring, as required by 40 C.F.R. § 141.31(b). However, if a different time period for reporting is specified in this Order or Part 141, Respondent shall report within that different period.

21. Respondent shall report any violation of lead and copper monitoring requirements to the EPA within 48 hours, as required by 40 C.F.R. § 141.31(b).

22. Respondent is ordered to comply with all provisions of the Act and Part 141, including but not limited to each requirement cited above.

23. If Respondent (a) leases or sells the System to another person or entity, or (b) contracts with or hires any other person or entity to operate the System, Respondent shall, within 10 calendar days, provide a copy of this Order to the lessee, purchaser, or contractor and notify the EPA in writing of the change. In either of these circumstances, Respondent shall remain obligated to comply with this Order.

24. Respondent shall send all reporting and notifications required by this Order to the EPA at:

Email: R8DWU@epa.gov, and latino.steven@epa.gov

### **GENERAL PROVISIONS**


25. This Order shall not constitute a waiver, suspension, or modification of any requirement of the Act or Part 141. Issuance of this Order is not an election by the EPA to forgo any civil or criminal action.

26. Violation of any part of this Order, the Act, or Part 141 may subject Respondent to a civil penalty of up to \$58,328 (as adjusted for inflation) per day of violation, a court injunction ordering compliance, or both. 42 U.S.C. § 300g-3; 40 C.F.R. part 19; 85 Fed. Reg. at 1754 (January 13, 2020).

27. Respondent may seek federal judicial review of this Order pursuant to section 1448(a) of the Act, 42 U.S.C. § 300j-7(a).

Issued: September 17, 2020.

**COLLEEN  
RATHBONE**

 Digitally signed by COLLEEN  
RATHBONE  
Date: 2020.09.17 14:46:07 -06'00'

Colleen Rathbone, Chief  
Water Enforcement Branch  
Enforcement and Compliance Assurance Division